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UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING
LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF ESTHER KIM
CHANG IN SUPPORT OF
DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S RESPONSE TO
WAYMO'S OFFER OF PROOF**

Trial Date: February 5, 2018

1 I, Esther Kim Chang, declare as follows:

2 1. I am an attorney with the law firm of Morrison & Foerster LLP. I am a member in
3 good standing of the Bar of the State of California. I make this declaration based on personal
4 knowledge and, if called as a witness, I could and would testify competently to the matters set
5 forth herein. I make this declaration in support of Defendants Uber Technologies, Inc. and
6 Ottomotto LLC's Response to Waymo's Offer of Proof. I have personal knowledge of the facts
7 stated herein and, if called as a witness, I could and would testify competently as to these facts.

8 2. Attached hereto as **Exhibit 1** are relevant pages from the deposition of
9 Don Burnette, taken on October 13, 2017.

10 3. Attached hereto as **Exhibit 2** are relevant pages from the deposition of
11 Craig Clark, taken on December 22, 2017.

12 4. Attached hereto as **Exhibit 3** are relevant pages from the deposition of
13 Alex Cooper, taken on August 23, 2017.

14 5. Attached hereto as **Exhibit 4** are relevant pages from the deposition of
15 Eric Friedberg, taken on September 28, 2017.

16 6. Attached hereto as **Exhibit 5** are relevant pages from the deposition of
17 Nicholas Gicinto, taken on December 21, 2017.

18 7. Attached hereto as **Exhibit 6** are relevant pages from the 30(b)(6) deposition of
19 Randy Haimovici, taken on December 22, 2017.

20 8. Attached hereto as **Exhibit 7** are relevant pages from the individual deposition of
21 Mathew Henley, taken on December 22, 2017.

22 9. Attached hereto as **Exhibit 8** are relevant pages from the 30(b)(6) deposition of
23 Mathew Henley, taken on December 22, 2017.

24 10. Attached hereto as **Exhibit 9** are relevant pages from the deposition of
25 Richard Jacobs, taken on December 20, 2017.

26 11. Attached hereto as **Exhibit 10** are relevant pages from the deposition of
27 Scott Johnston, taken on December 14, 2017.

1 12. Attached hereto as **Exhibit 11** are relevant pages from the deposition of
2 Travis Kalanick, taken on December 14, 2017.

3 13. Attached hereto as **Exhibit 12** are relevant pages from the deposition of
4 Kevin Maher, taken on December 12, 2017.

5 14. Attached hereto as **Exhibit 13** are relevant pages from the deposition of
6 Sidney Majalya, taken on December 20, 2017.

7 15. Attached hereto as **Exhibit 14** are relevant pages from the deposition of
8 Eric Meyhofer, taken on August 18, 2017.

9 16. Attached hereto as **Exhibit 15** are relevant pages from the deposition of
10 Rhian Morgan, taken on October 4, 2017.

11 17. Attached hereto as **Exhibit 16** are relevant pages from the deposition of
12 Rhian Morgan, taken on November 21, 2017.

13 18. Attached hereto as **Exhibit 17** are relevant pages from the deposition of
14 Jake Nocon, taken on December 19, 2017.

15 19. Attached hereto as **Exhibit 18** are relevant pages from the deposition of
16 Angela Padilla, taken on December 22, 2017.

17 20. Attached hereto as **Exhibit 19** are relevant pages from the deposition of Lior Ron,
18 taken on June 19, 2017.

19 21. Attached hereto as **Exhibit 20** are relevant pages from the 30(b)(6) deposition of
20 Lior Ron, taken on December 12, 2017.

21 22. Attached hereto as **Exhibit 21** are relevant pages from the individual deposition of
22 Lior Ron, taken on December 12, 2017.

23 23. Attached hereto as **Exhibit 22** are relevant pages from the deposition of
24 Edward Russo, taken on December 20, 2017.

25 24. Attached hereto as **Exhibit 23** are relevant pages from the deposition of
26 Joe Spiegler, taken on December 22, 2017.

27 25. Attached hereto as **Exhibit 24** are relevant pages from the deposition of
28 Shaun Stewart, taken on December 19, 2017.

1 26. Attached hereto as **Exhibit 25** are relevant pages from the deposition of
2 Ognen Stojanovski, taken on July 20, 2017.

3 27. Attached hereto as **Exhibit 26** are relevant pages from the deposition of
4 Joe Sullivan, taken on December 14, 2017.

5 28. Attached hereto as **Exhibit 27** are relevant pages from the deposition of Salle Yoo,
6 taken on December 14, 2017.

7 29. Attached hereto as **Exhibit 28** is a true and correct copy of a document produced
8 in this litigation bearing Bates numbers CFL000297 to CFL000300.

9 30. Attached hereto as **Exhibit 29** is a true and correct copy of a document produced
10 in this litigation bearing Bates numbers UBER00063696 to UBER00063698.

11 31. Attached hereto as **Exhibit 30** is a true and correct copy of a document produced
12 in this litigation bearing Bates numbers UBER00006435 to UBER00006443.

13 32. Attached hereto as **Exhibit 31** is a true and correct copy of a document produced
14 in this litigation bearing Bates number UBER00330899 to UBER00330901.

15 33. **Exhibit 32 Intentionally Not Used.**

16 34. Attached hereto as **Exhibit 33** is a true and correct copy of a document produced
17 in this litigation bearing Bates number UBER00338417.

18 35. Attached hereto as **Exhibit 34** is a true and correct copy of a document produced
19 in this litigation bearing Bates numbers UBER00340331 to UBER00340359.

20 36. Attached hereto as **Exhibit 35** is a true and correct copy of a document produced
21 in this litigation bearing Bates numbers UBER00340360 to UBER00340390.

22 37. Attached hereto as **Exhibit 36** is a true and correct copy of a document produced
23 in this litigation bearing Bates numbers UBER00340391 to UBER00340416.

24 38. Attached hereto as **Exhibit 37** is a true and correct copy of a document produced
25 in this litigation bearing Bates numbers UBER00355965 to UBER00355967.

26 39. Attached hereto as **Exhibit 38** is a true and correct copy of a document produced
27 in this litigation bearing Bates numbers WAYMO-UBER-00006373.

1 40. Attached hereto as **Exhibit 39** is a true and correct copy of a document produced
2 in this litigation bearing Bates numbers WAYMO-UBER-00009646 to
3 WAYMO-UBER-00009647.

4 41. Attached hereto as **Exhibit 40** is a true and correct copy of a document produced
5 in this litigation bearing Bates numbers WAYMO-UBER-00027031 to
6 WAYMO-UBER-00027033.

7 42. Attached hereto as **Exhibit 41** is a true and correct copy of a document produced
8 in this litigation bearing Bates numbers WAYMO-UBER-00034071 to
9 WAYMO-UBER-00034073.

10 43. Attached hereto as **Exhibit 42** is a true and correct copy of a document produced
11 in this litigation bearing Bates numbers WAYMO-UBER-00145114 to
12 WAYMO-UBER-00145127.

13 44. Attached hereto as **Exhibit 43** is a true and correct copy of a document produced
14 in this litigation bearing Bates numbers WAYMO-UBER-00145156 to
15 WAYMO-UBER-00145157.

16 45. Attached hereto as **Exhibit 44** is a true and correct copy of a document produced
17 in this litigation bearing Bates numbers WAYMO-UBER-00145158 to
18 WAYMO-UBER-00145159.

19 46. Attached hereto as **Exhibit 45** is a true and correct copy of a document produced
20 in this litigation bearing Bates number WAYMO-UBER-00145215.

21 47. Attached hereto as **Exhibit 46** is a true and correct copy of a document produced
22 in this litigation bearing Bates numbers WAYMO-UBER-00145216 to
23 WAYMO-UBER-00145217.

24 48. Attached hereto as **Exhibit 47** is a true and correct copy of a document produced
25 in this litigation bearing Bates number WAYMO-UBER-00145218.

26 49. Attached hereto as **Exhibit 48** is a true and correct copy of a document produced
27 in this litigation bearing Bates numbers WAYMO-UBER-00145160 to
28 WAYMO-UBER-00145214.

1 50. Attached hereto as **Exhibit 49** is a true and correct copy of Exhibit 2305 to the
2 deposition of Shaun Stewart, taken on December 19, 2017.

3 51. Attached hereto as **Exhibit 50** is a true and correct copy of Exhibit 9002 to the
4 deposition of Lior Ron, taken on December 12, 2017

5 52. Attached hereto as **Exhibit 51** is a true and correct copy of an email from Arturo
6 González to James Judah, dated November 19, 2017.

7 53. Attached hereto as **Exhibit 52** is a true and correct copy of an email from Andrea
8 Roberts to Uber counsel, dated November 29, 2017.

9 54. Attached hereto as **Exhibit 53** is a true and correct copy of the June 3, 2010 Stroz
10 Friedberg Source Code Analysis Report prepared for Google, available at
11 https://www.google.com/googleblogs/pdfs/friedberg_sourcecode_analysis_060910.pdf.

12 55. Attached hereto as **Exhibit 54** is a true and correct copy of relevant pages from
13 Defendant Uber Technologies, Inc. and Ottomotto LLC's Responses to Waymo's First Set of
14 Expedited Interrogatories Pursuant to Paragraph Six of the May 11, 2017 Preliminary Injunction
15 Order (Nos. 1-9), dated June 5, 2017.

16 56. Attached hereto as **Exhibit 55** is a true and correct copy of relevant pages from
17 Defendants Uber Technologies, Inc. and Ottomotto LLC's Responses to Waymo's Third Set
18 Common Interrogatories (Nos. 8-9), dated August 14, 2017.

19 57. Attached hereto as **Exhibit 56** is a true and correct copy of the September 5, 2017
20 Supplemental Log Pursuant to Orders on Motion for Preliminary Relief Special Master's
21 Protocol.

22 58. Attached hereto as **Exhibit 57** is a true and correct copy of relevant pages from the
23 Expert Report of Andy Crain, dated October 23, 2017.

24 59. Attached hereto as **Exhibit 58** is a true and correct copy of relevant pages from
25 Plaintiff Waymo's Submission to Special Master Cooper Regarding Uber's Obligation to Produce
26 Jacobs Letter and Related Documents, dated December 5, 2017.

1 60. Attached hereto as **Exhibit 59** is a true and correct copy of relevant pages from
2 Plaintiff's Responses and Objections to Uber's Interrogatory Nos. 51-56, dated December
3 19, 2017.

4 61. Attached hereto as **Exhibit 60** is a true and correct copy of Uber's "Inventory of
5 Non-Attributable Devices," as revised on January 16, 2018.

6 62. Attached hereto as **Exhibit 61** is a true and correct copy of relevant pages from
7 Docket Entry No. 483, dated October 21, 2010, from *Function Media, LLC v. Google, Inc.*,
8 Case No. 2007-cv-279 (E.D. Texas).

9 63. Attached hereto as **Exhibit 62** is a true and correct copy of Docket Entry No. 416,
10 dated January 26, 2010, from *Function Media, LLC v. Google, Inc.*, Case No. 2007-cv-279
11 (E.D. Texas).

12 64. Attached hereto as **Exhibit 63** is a true and correct copy of an excerpt of Uber's
13 litigation hold relating to chat applications or instant messaging applications.

14 65. Attached hereto as **Exhibit 64** is a true and correct copy of an article entitled
15 "Rivals Chasing Velodyne in Lidar Race," available at
16 https://www.eetimes.com/document.asp?doc_id=1330321, dated August 18, 2016.

17 66. Attached hereto as **Exhibit 65** is a true and correct copy of a document produced
18 in this litigation bearing Bates numbers UBER00218222 to UBER00218227.

19 67. Attached hereto as **Exhibit 66** is a true and correct copy of a document produced
20 in this litigation bearing Bates numbers UBER00218250 to UBER00218255.

21 68. Attached hereto as **Exhibit 67** is a true and correct copy of a document produced
22 in this litigation bearing Bates numbers UBER00074666.

23 69. Attached hereto as **Exhibit 68** is a true and correct copy of a document produced
24 in this litigation bearing Bates numbers UBER00285865.

25 70. Attached hereto as **Exhibit 69** is a true and correct copy of a document produced
26 in this litigation bearing Bates numbers UBER00337037 to UBER00337039.

27 71. Attached hereto as **Exhibit 70** is a true and correct copy of an email from Sylvia
28 Rivera, counsel for Uber, to counsel for Waymo, dated December 29, 2017.

1 72. Attached hereto as **Exhibit 71** is a true and correct copy of relevant pages from
2 Plaintiff's Fourth Supplemental Objections and Responses to Uber's Fifth Set of Interrogatories
3 (Nos. 20, 24), dated August 30, 2017.

4 73. Attached hereto as **Exhibit 72** is a true and correct copy of an email from Sylvia
5 Rivera, counsel for Uber, to Andrea Roberts, counsel for Waymo, dated December 22, 2017.

6 74. Attached hereto as **Exhibit 73** is a true and correct copy of an article entitled
7 "Waymo's Self-Driving Chrysler Pacifica Begins Testing in San Francisco," available at
8 [https://techcrunch.com/2018/01/12/waymos-self-driving-chrysler-pacifica-begins-testing-in-san-](https://techcrunch.com/2018/01/12/waymos-self-driving-chrysler-pacifica-begins-testing-in-san-francisco/)
9 [francisco/](https://techcrunch.com/2018/01/12/waymos-self-driving-chrysler-pacifica-begins-testing-in-san-francisco/), dated January 12, 2018.

10 75. Attached hereto as **Exhibit 74** is a true and correct copy of an article entitled
11 "Waymo's Self-Driving Minivan Spotted in San Francisco," available at
12 <https://www.theverge.com/2018/1/12/16884064/waymo-self-driving-car-spotted-san-francisco>.

13 76. Attached hereto as **Exhibit 75** is a true and correct copy of the Order Granting
14 Uber's Petition to Vacate Arbitration Discovery Order, from *Uber Technologies, Inc. v.*
15 *Google, Inc.*, Case No. CPF-17-515960 (Super. Ct. Cal. Jan. 16, 2018).

16
17 I declare under penalty of perjury that the foregoing is true and correct. Executed this
18 19th day of January, 2018 in San Francisco, California.

19
20
21 /s/ Esther Kim Chang
22 ESTHER KIM CHANG
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ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. Gonzalez, am the ECF User whose ID and password are being used to file this Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Esther Kim Chang has concurred in this filing.

Dated: January 19, 2018

/s/ Arturo J. González

ARTURO J. GONZÁLEZ